Chapter 4.4.19: Hazardous Waste and Contaminated Materials

4.4.19-1 INTRODUCTION

This chapter assesses the potential for the presence of contaminated and hazardous materials (CHM) in the Project site and the specific measures that would be employed to protect public health, worker safety, and the environment if CHM were encountered during construction. A CHM is generally defined as any substance that poses a threat to human health or the environment. Asbestos is a hazardous material, but is discussed separately in Chapter 4.4.18, "Asbestos."

4.4.19-2 METHODOLOGY

To assess the potential for the presence of contamination at the Project site, a Phase I Environmental Site Assessment (ESA) was prepared by C&S Engineers, Inc., in July 2010. The Phase I ESA (the 2010 ESA) covered the area that would be affected by the shift in the railroad tracks and the new bridge; it included a site inspection as well as a review of historical maps, historical aerial photographs, and regulatory databases. The 2010 ESA was also used to evaluate the portion of the Project encompassing the shift of Park Road and relocation of the parking area. While the 2010 ESA did not specifically include the road shift and relocated parking area, it did evaluate conditions in areas in proximity to those areas.

4.4.19-3 EXISTING CONDITIONS

The database searches and map/photograph review conducted as part of the Phase I ESA did not identify any specific concerns on or near the Project site. However, the site inspection did note an abandoned transformer, which could contain polychlorinated biphenyls (PCBs), close to the private property on the east side of the Genesee River that is to be acquired for the Project. This transformer was an out-of-service pole-mounted transformer on the east side of the bridge, to the north of the existing rail line. Additionally, there is a potential that CHM exist in the surface and subsurface materials on the rail right-of-way and in the right-of-way embankment. These potential CHMs could have resulted either from the original fill materials (which are of unknown origin) or potentially from any releases from railroad operations (e.g., herbicide use or releases of petroleum from locomotives or transported goods). Norfolk Southern has reported that any herbicides applied during its operations were applied in accordance with legal requirements, and Norfolk Southern has no record of any spills or releases of CHM in or around the Project site. In addition, painted surfaces may be coated with lead-based paint. CHM, other than a potential release of transformer oil from the abandoned transformer, are not anticipated in the alignment where a new bridge would be located.

The railroad ties and bridge timbers within the Project site consist of creosote-treated wood. New York State Law (ECL Article 27, Title 25) exempts railroads from phasing out the use of creosote and creosote-treated products.

The areas to the north and south of the railroad tracks on the west side of the Genesee River that would be affected by the proposed shift in Park Road and relocation of the parking area have been adjacent to an active rail right-of-way since the mid-19th century and have been

undeveloped, other than with the road and parking area, since Letchworth State Park was created in 1911. Therefore, other than possible railroad-related issues in the immediate vicinity of the tracks, no issues related to hazardous or contaminated materials would be expected in this area.

4.4.19-4 EFFECTS ASSESSMENT

4.4.19-4-1 No Action Alternative

Applicable regulatory requirements, including those relating to management of lead-based paint and creosote, would be followed for any maintenance work with the potential to disturb CHM. Creosote-treated rail ties would be handled in accordance with the applicable regulations for that material. Utility work or other work involving subsurface disturbance could also encounter CHM. If any such materials are encountered, they would be characterized based on applicable federal or other regulations and guidance including field observations and sampling, as appropriate. In the event that regulated material—including wastes or other substances—are encountered, appropriate measures in accordance with applicable regulations would be undertaken to delineate the nature and extent of the CHM, address it in-place or segregate it as feasible, and then, if necessary, remove, transport, and dispose of it. Moreover, any applicable notification requirements would be followed when addressing such materials.

4.4.19-4-2 Preferred Alternative

The Preferred Alternative would involve the demolition of the existing structures and excavation, disturbance, and removal of some existing fill and soil. Dewatering may also be required. Based on the age of the bridge, there is potential to encounter lead-based paint.

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The abandoned transformer noted on or close to the private parcel to be acquired for the Project would be removed; any associated contaminated soil would be disposed of off-site in accordance with applicable regulatory requirements including those related to spill reporting and those related to PCBs, in the event PCBs are identified.

Removed creosote-treated ties and bridge timbers would either be retained for future railroad use or handled in accordance with applicable regulatory requirements.

Dewatering may be required during construction in certain locations, depending on the types of foundations to be used for the bridge, the location of utility trenches, and construction means and methods. If dewatering is required, groundwater samples will be collected as needed prior to construction in areas where dewatering may occur. These samples will be tested for potential contamination. The results will be compared to New York State's surface water quality standards to determine the water quality and level of treatment, if required, for discharge to surface water. As appropriate, a jurisdictional determination may be sought regarding potential permit parameters. Discharge of water would be conducted in accordance with applicable requirements.

4.4.19-5 SUMMARY OF MITIGATION

Lead-based paint and/or subsurface CHM could be affected by the Project. To avoid the potential for impacts, all work would be conducted in accordance with existing, applicable regulatory requirements. Any subsurface work that involves the disturbance of soils would be conducted in accordance with a Project-specific Health and Safety Plan (HASP) and other applicable regulations and criteria to identify and manage any encountered or accidentally released CHM, such as releases of fuel or petroleum from on-site construction vehicles and equipment, to protect public health, worker safety, and the environment. The HASP will detail the health and safety procedures that will be implemented to minimize exposure of workers and the public to CHM. The Project site would be evaluated for CHM by considering potential subsurface contaminants of concern (e.g., releases from past rail operations), their chemical and physical characteristics, and the potential exposure associated with the work to be performed. The HASP will be developed in accordance with applicable Occupational Safety and Health Administration (OSHA) regulations and guidelines. The HASP and other plans as appropriate are expected to include: designation of appropriate personnel to ensure that all of its requirements are implemented, including required training; dust control and stockpiling procedures; contingency and emergency response plans; and agency notification requirements. These measures will avoid and minimize the potential for adverse impacts associated with contaminated materials.